

### **REMARKS**

Claims 1-16, 18, 20, 21, 23-41, 43, 45, 46, and 48-63 were pending in the present application.

#### **Amendment to the Claims**

Claims 1, 3, 10, 21, 27, 34, 46 and 57 have been amended as suggested by the Examiner in the May 28, 2008 Office Action to overcome rejections under 35 U.S.C. §112, second paragraph. Support for the amendment to claims 4 and 30 can be found in the instant application at paragraph [0030]. Support for the amendment to claims 9 and 35 can be found in the instant application at paragraph [0032].

Claims 22 and 47 have been cancelled herein.

No new matter has been added herein.

#### **Allowable Subject Matter**

Claims 25-26, 28-33, 35-41, 43, 45, 48-56, 58-59, 61-63 were allowed. Claims 9-10, 16, 18 and 57 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 27, 34 and 46 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. §112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

Applicants acknowledge same.

#### **Double Patenting**

In the May 28, 2008 Office Action, claims 22 and 47 were objected to under 37 CFR 1.75 as being a substantial duplicate of claims 21 and 46, respectively.

Applicants have excised claims 22 and 47 thereby obviating this objection. Withdrawal of same is respectfully requested.

**Rejection of Claims on Reference Grounds, and Transversal Thereof**

In the May 28, 2008 Office Action:

claims 1, 3, 10, 21, 22, 27, 34, 46, 47 and 57 were rejected under 35 U.S.C. §112, second paragraph;

claims 1-8, 11-13, 15, 20-24 and 60 were rejected under 35 U.S.C. §103(a) as being unpatentable over Murphy (U.S. Patent No. 6,309,425); and

claim 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over Murphy in view of Flynn et al. (U.S. Patent No. 5,962,390).

These rejections are respectfully traversed. The patentable distinctions of the pending claims over the cited references are set out in the ensuing discussion.

**Rejections under 35 U.S.C. §112**

In the May 28, 2008 Office Action, claims 1, 3, 10, 21, 22, 27, 34, 46, 47 and 57 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regards to claim 1, the term “comprising” has been replaced. Applicants apologize for the inadvertent error.

With regards to claims 3, 10, 21, 22, 27, 46, 47 and 57, the term “comprises” has been replaced with the term “is” pursuant to the Examiner’s suggestion

Claim 34 has been amended to depend from claim 32 instead of claim 31 pursuant to the Examiner’s suggestion.

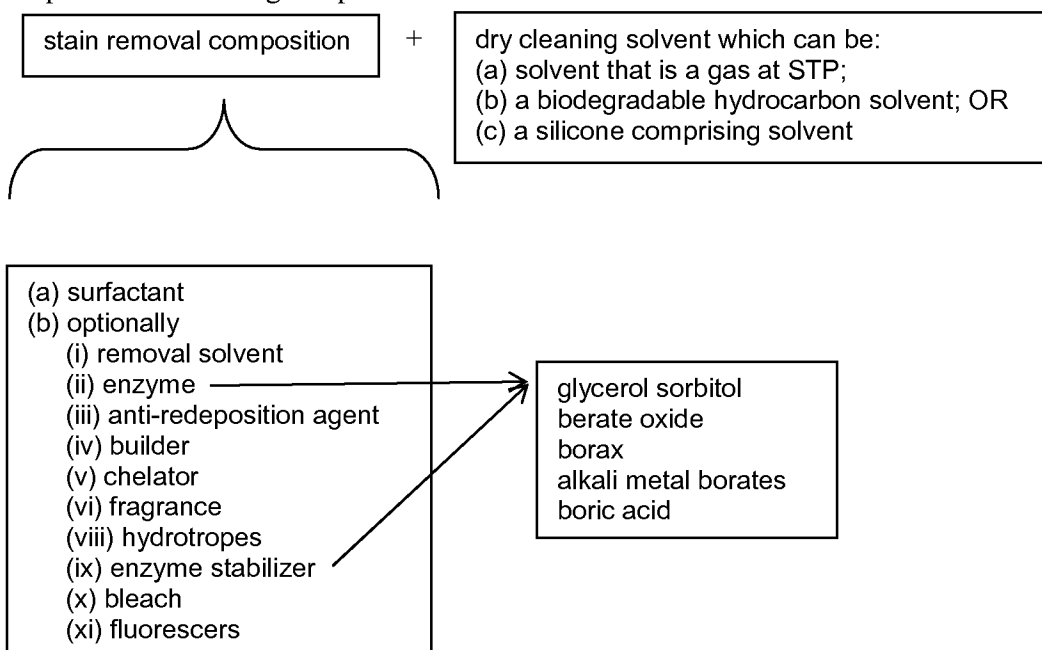
**Rejections under 35 U.S.C. §103(a)**

1. In the May 28, 2008 Office Action, claims 1-8, 11-13, 15, 20-24 and 60 were rejected under 35 U.S.C. §103(a) as being unpatentable over Murphy (U.S. Patent No. 6,309,425). Applicants traverse such rejection.

Murphy relates to a cleaning composition consisting of a stain removal composition and a dry cleaning solvent, wherein said stain removal composition has a stain removal surfactant and optionally a stain removal solvent, and the dry cleaning solvent is a gas at STP, a biodegradable functionalized hydrocarbon or a silicone comprising solvent.

A schematic of the Murphy teaching is as follows:

Preparation of cleaning composition



The Examiner contends that it would be obvious to one skilled in the art considering Murphy to come up with the composition recited in claim 1. Applicants vigorously disagree.

Firstly, the Murphy cleaning composition requires a dry cleaning solvent, and said skilled person would have to have a reason<sup>1</sup> to select the solvent that is a gas at STP instead of the

<sup>1</sup> It is noted that subsequent to the recent Supreme Court decision in *KSR Int'l Co. v. Teleflex, Inc.*, 82 USPQ2d 1385 (U.S. 2007), the USPTO issued a memorandum that stated that "the Court did not totally reject the use of 'teaching, suggestion, or motivation' as a factor in the obviousness analysis" and that "**in formulating a rejection using 35 U.S.C. §103(a) based upon a combination of prior art elements, it remains necessary to identify the reason why a**

biodegradable hydrocarbon solvent or the silicone comprising solvent. Since there is no motivation, teaching or suggestion to use the Murphy composition for the removal of silicon-containing particulate material<sup>2</sup> from the surface of a semiconductor wafer, the likelihood that said skilled person would select the solvent that is a gas at STP over the other two solvents is low.

Then, said skilled person would have to have a reason to select the proper components for the stain removal composition for combination with the aforementioned dry cleaning solvent. The Examiner indicated that it would be obvious to have prepared “a cleaning composition comprising supercritical carbon dioxide, a co-solvent like methanol and water, hydrogen peroxide [i.e., the etchant], copolymers derived from acrylic acid and lauryl methacrylate [i.e., the binder] and boric acid because the teachings of Murphy encompass these ingredients which provide stain removal properties.” As discussed in the foregoing paragraph, the selection of supercritical carbon dioxide is not guaranteed. Thereafter, the likelihood that one skilled in the art would select at least the following otherwise optional components from the Murphy teaching, stain removal solvent, bleach, anti-redeposition agent, enzyme stabilizer and enzyme,<sup>3</sup> is unlikely. Again, the Examiner must provide a reason that one skilled in the art would select these components from the myriad of possibilities, especially knowing that the so-called “soil” disclosed in Murphy includes coffee, blood and red wine.

Furthermore, it would not be reasonable for one to expect that Murphy’s composition, which “provide[s] stain removal properties,” would be useful for removing silicon-containing particulate material from the surface of a semiconductor wafer. *See, In re Rinehart*, 189 U.S.P.Q. 143 (CCPA 1976) (addressing the lack of any reasonable expectation of success as evidencing non-obviousness).

In conclusion, applicants’ claim 1 is non-obvious in view of Murphy because it is not reasonable for one skilled in the art to reasonably expect that Murphy’s composition would be useful for removing silicon-containing particulate material from the surface of a semiconductor wafer, much less which combination of components from the myriad of possibilities should be selected. Accordingly, applicants respectfully request withdrawal of the rejection of claims 1-8, 11-13, 15, 20-24 and 60 as being obvious in view of Murphy.

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**person of ordinary skill in the art would have combined the prior art elements in the manner claimed.”**

<sup>2</sup> The Examiner indicated in the May 28, 2008 Office Action that Murphy teaches soil removal (see, page 5, line 10) but the only “soil” that Murphy discloses may be removed is coffee, blood and red wine.

<sup>3</sup> In order to justify adding the enzyme stabilizer, an enzyme to stabilize must be present.

2. In the May 28, 2008 Office Action, claim 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over Murphy in view of Flynn et al. (U.S. Patent No. 5,962,390) (hereinafter Flynn). Applicants traverse such rejection.

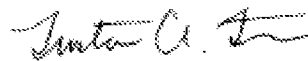
As discussed hereinabove, Murphy does not make obvious applicants' claim 1, from which claim 14 depends. Flynn does not cure this deficiency. Flynn was introduced merely to teach the equivalency of ethoxylated alcohols with ethoxylated fluoroalcohols as nonionic surfactants.

Accordingly, applicants respectfully request withdrawal of the rejection of claim 14 as being obvious in view of Murphy and Flynn.

### **Conclusion**

For the foregoing reasons, withdrawal of all remaining rejections of pending claims 1-16, 18, 20, 21, 23-41, 43, 45, 46, and 48-63 is respectfully requested along with a Notice to this effect. Authorization is hereby given to charge any deficiency in applicable fees for this response to Deposit Account No. 13-4365 of Moore & Van Allen PLLC. If any questions remain, the Examiner is invited to contact the undersigned at the number given below.

Respectfully submitted,  
MOORE & VAN ALLEN PLLC



Date: August 28, 2008

By: \_\_\_\_\_

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